

From: "Lance Hendrickson, Esq." <lancehendrickson@yahoo.com>
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CC: "brian.einhorn@ceflawyers.com" <brian.einhorn@ceflawyers.com>, "nrk@tir.com" <nrk@tir.com>
Date: 6/18/2014 8:13 PM
Subject: Fw: A Message from President Brian Einhorn

Ladies and Gentlemen:

The Court's recent press release has invited comments from the public about the report referenced by Mr. Einhorn's e-mail, below.

I appreciate the invitation, and I'm forwarding the comments I sent to Messrs. Einhorn and Rockwell this afternoon.

Some, perhaps some sitting Supreme Court Justices, won't like what I have to say. I don't care if they like it or not. I see the Emperor, he isn't wearing a stitch, and I'm not the only one who's figured that out.

This whole thing is an obvious Republican-driven power grab, designed to bully the State Bar of Michigan into ending its sensible, non-partisan advocacy against many of the Republicans' stupider or more self-interested legislative proposals.

There's nothing wrong with the structure (and integration) of the State Bar, and there's nothing illegal, inappropriate, or wrong about its advocacy program. There never has been.

Please just drop this whole "threaten and intimidate the State Bar into shutting up and getting out of ALEC's way" plan. It's embarrassing.

Sincerely,
Lance C. Hendrickson, Esq. (P-49548)

On Wednesday, June 18, 2014 7:55 PM, "Lance Hendrickson, Esq." <lancehendrickson@yahoo.com> wrote:

Gentlemen:

In response to Mr. Einhorn's message (below), I'm pleased to offer my thoughts.

I've been a Michigan-licensed attorney for more than 20 years. During that time I've run a number of my own political campaigns -- I was the Democratic primary winner in what was then Michigan's 101st State House district in '96 and '98, and I was elected after a nine-way race to my local school board in 1997.

Additionally, I hold a degree in Political Science from CMU, and I worked for the Michigan Democratic Party on then-Governor Jim Blanchard's re-election campaign in the summer of 1990.

In short, I'm obviously a progressive. But I know my Michigan politics.

I've read the report referenced below, and I've offered comments (when invited) a couple of times recently. I'll repeat the fundamentals of my previous comments here.

It's plainly, patently obvious what's been going on with this whole process.

Michigan's Republicans have largely taken over the levers of power here. Most SBM members I know accept, or at least realize, that from about the ascension of Mr. Justice Taylor forward in time, our courts on the appellate level have almost unabashedly traded principles (such as stare decisis) for partisan-friendly outcomes. For one example, I might be able to find a Michigan Supreme Court case in which an insurance company has lost recently, but I'd be hard-pressed (and surprised) to be able to do it. Other examples abound.

One of the few things left slowing the Republicans down so far, whether legislatively or otherwise, has been the State Bar's advocacy. From my standpoint, this has not been partisan advocacy -- but it has sometimes been at loggerheads with some of the Republicans' stupider and more-selfish ideas.

Clearly, the whole point of this charade has been to "fire a shot across the bow" at the State Bar -- effectively threatening its existence by putting dis-integration into play. The Republicans' goal, obviously, is to utilize this process and eventually arrive at some kind of compromise whereby the State Bar basically quits its legislative advocacy in return for being allowed to "escape with its life."

In short, with the State Bar they can't go back and re-draw district lines like they did with respect to the legislature. They can't just throw in a bunch of campaign cash and fill the seats with people who know what their marching orders are, like they've done with the courts.

No, the State Bar, they've had to try to brass-knuckle with this hoked-up ALEC-driven "Keller" and "free speech" bullshit.

For the good of the state, I urge you: don't let them bully the State Bar into submission, too.

On the merits, everything's fine the way it is. There's no good or legitimate reason to change a thing. More pointedly, to your question:

* To those who have supported a mandatory bar—indicate whether you would support a mandatory bar if the Task Force's recommendations were adopted by the Court;

It's a Hobson's choice: if we say "no," the Republicans could waive that response around like a bloody political flag. "Their own members won't even support an integrated bar in the future."

If we say "yes," they could trot that answer out to legitimize this whole exercise. "See, the membership supports implementing the recommendations."

So unless you support this nonsense, my recommendation for the State Bar would be to call this effort out in public for what it is, and drop the whole discussion. Do not participate any further. Just tell ALEC and company to pound sand, and fight them tooth and nail when they bring up the (inevitable) "bar integration" issue in the legislature.

I understand that the following is a significant metaphor; I employ it purposefully. Hitler had no plans, ever, to quit with Austria. Or with Poland. When it comes to the ruthless, appeasement will never, ever work.

Fight 'em hard, and fight 'em now.

Thank you
Lance Hendrickson, Esq. (P-49548)

*On Wednesday, June 18, 2014 7:06 PM, State Bar of Michigan
<sbm-member-flash@mail.michbar.org> wrote:*

State Bar of Michigan Member Advisory

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June 18, 2014 home contact us

A Message from the President

A workgroup of 13 members of the Board of Commissioners, chaired by Treasurer Donald Rockwell and including Vice President Lori Buiteweg, Secretary Larry Nolan, Representative Assembly Chair Kathleen Allen, RA clerk Dan Quick, and myself are reviewing the Report to the Michigan Supreme Court by the Task Force on the Role of the State Bar of Michigan (TF). The work group wants input from our membership and wants the membership to know:

- 1) That the Court also wants membership input and will accept comments until August 4;
- 2) That the workgroup will be reviewing the report to decide what our comments, thoughts, and recommendations to the Court may be;
- 3) That the workgroup wants to obtain member comments about the report as soon as possible, but no later than July 15 so they and the Board of Commissioners can consider the comments in their decision making. Specifically please comment upon:

* The limits placed on advocacy by a more rigorous Keller process that is intended to "go beyond the safeguards imposed on any of the mandatory state bars that engage in legislative advocacy." (Pages 8-9 TF report);

- * The review panel of seven people that would have exclusive responsibility to decide whether a matter is or is not Keller permissible and also requires that five of the seven review panel members agree (pages 7-8 TF report);
- * The elimination from the Rules Concerning the State Bar that strikes from existing Rule 1 "... and in promoting the interests of the legal profession in this State." (Page 6 TF report);
- * The suggested changes to the Representative Assembly and Board of Commissioner governance which includes eliminating language in Rule 6 Sec 1—"The Representative Assembly is the final policy-making body of the State Bar." (Page 16 TF report);
- * The suggested changes to the advocacy activities of the Sections (pages 13-14 TF report);
- * The suggested changes to the Bar's involvement in the disciplinary process giving the Bar input in the appointment of AGC and ADB members and directors; (pages 15-16 TF report);
- * The suggested changes that require a formal Keller analysis of justice initiative programs (page 14 TF report);
- * To those who have supported a mandatory bar—indicate whether you would support a mandatory bar if the Task Force's recommendations were adopted by the Court;
- * Any other comments, observations or recommendations you have.

E-mail your response to Brian Einhorn, brian.einhorn@ceflawyers.com and Don Rockwell nrk@tir.com.

Also be sure to send your comments to the Court by August 4, 2014. More Information